

EXHIBIT D

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

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IN RE: ETHICON, INC.)
PELVIC REPAIR SYSTEM) MDL No. 2327
PRODUCTS LIABILITY LITIGATION)
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THIS DOCUMENT RELATES TO ALL CASES

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VOLUME III

The resumption of the videotaped deposition of DAVID BROWN ROBINSON, M.D., called by the Plaintiffs for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before CORINNE T. MARUT, C.S.R. No. 84-1968, Registered Professional Reporter and a Certified Shorthand Reporter of the State of Illinois, at the offices of Drinker Biddle & Reath LLP, Suite 3700, 191 North Wacker Drive, Chicago, Illinois, on September 11, 2013, commencing at 9:32 a.m.

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<p>1 was produced to us in this litigation, and you'll</p> <p>2 see on the top of the first page that this e-mail</p> <p>3 was forwarded to you in January of 2006.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And you had been at the company for a</p> <p>7 short time at that time, right?</p> <p>8 A. Yes.</p> <p>9 MR. GAGE: What's the Exhibit No.?</p> <p>10 MR. GOZA: 1266.</p> <p>11 MR. GAGE: Thank you.</p> <p>12 BY MR. CARTMELL:</p> <p>13 Q. If you turn back a page to the original</p> <p>14 e-mail in this string or the second e-mail in this</p> <p>15 string, you'll see an e-mail from Howard Goldman</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Below that, Amin Dharini had forwarded a</p> <p>19 complication rate chart to preceptors.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. And in response to that, Dr. Goldman</p> <p>23 responded, and we'll try to bring that up.</p> <p>24 In the top e-mail from Dr. Goldman in</p> <p>25 January of 2006, he says, "Given that the MAUDE</p>	<p>1 complications that are not listed on your chart and</p> <p>2 he is wondering possibly the company is hiding</p> <p>3 something, correct?</p> <p>4 A. That is what his e-mail says, yes.</p> <p>5 Q. You testified that your belief is that,</p> <p>6 as far as erosions with the TVT retropubic product,</p> <p>7 your belief is that the actual rate in women is</p> <p>8 between 1 and 3 percent, right?</p> <p>9 A. Let's use that as a ballpark figure,</p> <p>10 yes.</p> <p>11 Q. You understand it could actually be</p> <p>12 higher, correct?</p> <p>13 A. Could be lower, yes.</p> <p>14 Q. You don't know one way -- strike that.</p> <p>15 A. Well --</p> <p>16 Q. You don't -- strike that.</p> <p>17 With some physicians, for example, the</p> <p>18 rates could be higher than that, correct?</p> <p>19 A. Some could.</p> <p>20 Q. Some less experienced physicians out in</p> <p>21 communities may have rates of erosions that are</p> <p>22 higher than the experts that are publishing</p> <p>23 studies, for instance, correct?</p> <p>24 A. And some could have lower, yes.</p> <p>25 Q. But you would expect that the physicians</p>
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<p>1 database lists a few other complications for TVT-O</p> <p>2 and others have been published as case reports you</p> <p>3 really should list them. As they are in the public</p> <p>4 domain and not listed on your list diminishes the</p> <p>5 credibility of your list of complications and makes</p> <p>6 some wonder if the company is not hiding</p> <p>7 something."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And you know that when you were sending</p> <p>11 out complication rates or in this case when you</p> <p>12 sent out a complication list like we just saw, our</p> <p>13 chart, Dr. Goldman is saying that he knows there is</p> <p>14 complications that are not listed on your chart and</p> <p>15 he is wondering if possibly the company is hiding</p> <p>16 something, correct?</p> <p>17 A. Well, as he states, they're in the</p> <p>18 public domain so nobody is hiding anything, but --</p> <p>19 MR. CARTMELL: Object and move to strike and</p> <p>20 reask the question.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. And you know that when you were sending</p> <p>23 out complication rates or in this case when you</p> <p>24 sent out complication lists like we just saw or a</p> <p>25 chart, Dr. Goldman is saying that he knows there is</p>	<p>1 who are publishing the papers would have more</p> <p>2 experience and might have better erosion rates than</p> <p>3 those who are out in the communities, correct?</p> <p>4 A. No, I don't know that I can agree with</p> <p>5 that, having been in a community.</p> <p>6 Q. With respect to erosion rates, is it</p> <p>7 true that the risk of having an erosion for a woman</p> <p>8 after the TVT process is a continuing risk</p> <p>9 throughout the woman's life. Is that fair?</p> <p>10 A. A foreign body's in place, so yes.</p> <p>11 Q. And, so, a woman can have a TVT</p> <p>12 implanted and year after year after year there is</p> <p>13 always that risk because she has that foreign body</p> <p>14 inside of her that there might be an erosion,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Now, you've also seen, even from</p> <p>18 Ethicon's own data, that erosions might not occur</p> <p>19 within the first year, for example. Fair enough?</p> <p>20 A. Yes.</p> <p>21 Q. In other words, a woman can have a TVT</p> <p>22 implanted in her body and she can go for a period</p> <p>23 of time greater than a year, maybe greater than two</p> <p>24 years, and then after that at some point in time</p> <p>25 might have an erosion, right?</p>

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